



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,369	01/26/2001	Joseph Goldenburg	CNA-900	7923

7590 01/30/2003
CIENA Corporation
Legal Department
1201 Winterson Rd.
Linthicum, MD 21090

EXAMINER

PRASAD, CHANDRIKA

ART UNIT	PAPER NUMBER
----------	--------------

2839

DATE MAILED: 01/30/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/770,369

Applicant(s)

GOLDENBURG ET AL.

Examiner

Chandrika Prasad

Art Unit

2839

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The reply filed on 12/20/02 consists of amendments to claim 22 and remarks related to rejection of claims. The claims are not allowable as explained below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 4, 5, 8, 19 and 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Correa et al.

Correa (Figures 1-6) shows an apparatus and method of attenuating electrostatic discharge comprising a conductive faceplate 14 with an opening 12 and a circular faceplate extension 24 extending outwardly from the periphery of the opening to form a waveguide wherein optical fiber connector 10, which can receive and/or transmit (transceiver) signals, communicate through the faceplate extension.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Correa et al. in view of Sikorski, Jr.

Correa et al. shows all the features of this claim as described in Paragraph 3 above except the extension to be rectangular. The instant invention does not provide any reasons or specific problem to be solved by having a rectangular shape. Sikorski shows a faceplate 20 with a plurality of rectangular openings 22, which accepts a plurality of rectangular extensions 30. It would have been obvious to one having ordinary skill in the art at the time of the instant invention to make the Correa's faceplate extension rectangular because it is one of the other (other than circular) most common configuration as shown by Sikorski.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Correa et al. in view of Terada et al.

Correa et al. shows all the features of this claim as described in Paragraph 3 above except the material of the faceplate extension to be aluminum alloy. Terada discloses the use of aluminum alloy for an optical fiber ferrule holder 51 (Page 7, Paragraph 82). It would have been obvious to one having ordinary skill in the art at the time of the instant invention to make the Correa's faceplate extension of aluminum alloy because of its linear expansion properties as taught by Terada and it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Correa et al..

Correa et al. shows all the features of this claim as described in Paragraph 3 above except the faceplate extension to project at least 0.2 inches from the faceplate. The instant

Art Unit: 2839

invention does not provide any specific problem to be solved by making the faceplate projection at least 0.2 inches. It would have been obvious to one having ordinary skill in the art at the time of the instant invention to make faceplate projection at least 0.2 inches because a change in size is generally recognized within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

8. Claims 9, 10, 12, 13, 16-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Correa et al. in view of Sikorski, Jr..

Correa et al. shows all the features of these claims as described in Paragraph 3 except a plurality of openings in the faceplate and a plurality of faceplate extensions. Sikorski shows a plurality of openings 22 in the faceplate 20. It would have been obvious to one having ordinary skill in the art at the time of the instant invention to provide a plurality of openings in the Correa et al.'s faceplate and to use a plurality of faceplate extensions because this would require a mere duplication of an essential part involving only routine skill in the art. St. Regis Paper Co. v Bemis Co, 193 USPQ 8.

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Correa et al. in view of Sikorski, Jr.

Correa et al. and Sikorski show all the features of this claim as described in Paragraphs 3, 5 and 8 above.

10. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Correa et al. in view of Sikorski, Jr.

Correa et al. and Sikorski show all the features of this claim as described in Paragraphs 3, 6 and 8 above.

11. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Correa et al. in view of Sikorski, Jr.

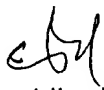
Correa et al. and Sikorski show all the features of this claim as described in Paragraphs 3, 7 and 8 above.

Response to Arguments

12. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Contact Information

13 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chandrika Prasad whose telephone number is (703) 308-0977. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild, can be reached at (703) 308-2710. The fax number for this Group is (703) 872-9318 (general) and (703) 872-9319 for after-final. Any inquiry of a general nature or relating to the status of this application or processing should be directed to the Group receptionist whose telephone number is (703) 308-1782.



Chandrika Prasad

January 22, 2003